

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DARIN FIELDS, et al.,

Plaintiff(s),

No. C 03-4854 PJH

v.

ORDER OF DISMISSAL

CHERNE CONTRACTING CORP.,

Defendant(s).

Counsel for plaintiffs, having advised the court in writing that the parties have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within ninety (90) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar for further proceedings.

The parties may substitute a dismissal **with** prejudice simply by submitting a stipulation and order for dismissal with prejudice within ninety (90) days.

The August 22, 2005 date for commencement of trial is VACATED.

SO ORDERED.

Dated: August 18, 2005



PHYLLIS J. HAMILTON
United States District Judge